

AMENDMENTS

On page 9 through page 19 of related application, remove all pages with drawings and replace them with the pages containing drawings which are attached with this Response To Office Action.

On page 5 of related application, delete the first paragraph of the description beginning on line 4:

FIG.2 through FIG.5B demonstrate how the "CAT/FELINE TREE AND SCRATCHING POST" is functional. This invention can be sculpted using a variety of common sculpting materials and techniques on an individual unit by unit production method, and it can also be made from a real tree and/or real tree branches or other materials, or molded and replicated through a wide variety of production methods. Number four (4) which is shown in FIG.2 through FIG.5B is the trunk portion of the tree. Number five (5) which is shown in FIG.2 through FIG.5B are the real or simulated branches of the tree. Number six (6) which is shown in FIG.2 through FIG.5B are the real or simulated leaves of the tree. Number seven (7) which is shown in FIG.2 through FIG.5B are the one (1) or more platforms in, on, or part of the tree. Number eight (8) which is shown in FIG.2 through FIG.5B is the padding which could be carpet or any other comfortable padding that covers or rests on the platforms in, on, or part of the tree. Number nine (9) which is shown in FIG.2 through FIG.5B is the rope which wraps around portions of the tree.

✓ On page 5 of related application, please replace the deleted first paragraph of the description beginning on line 4 with the following paragraph:

(Currently Amended) FIG.2 through FIG.5B demonstrate how the "CAT/FELINE TREE AND SCRATCHING POST" is functional. This invention can be sculpted using a variety of common sculpting materials and techniques on an individual unit by unit production method, and it can also be made from a real tree and/or real tree branches or other materials, or molded and replicated through a wide variety of production methods. Numbers 4a and 4b which are shown in FIG.2 through FIG.5A is the trunk portion of the tree. Number five (5) which is shown in FIG.2 through FIG.5B are the real or simulated branches of the tree. Number six (6) which is shown in FIG.2 through FIG.5B are the real or simulated leaves of the tree. Number seven (7) which is shown in FIG.2 through FIG.4A, and in FIG5A and FIG5B, are the one (1) or more platforms in, on, or part of the tree. Number eight (8) which is shown in FIG.2 through FIG.3B is the padding which could be carpet or any other comfortable padding that covers or rests on the platforms in, on, or part of the tree. Number nine (9) which is shown in FIG.2 through FIG.5B is the rope which wraps around portions of the tree.

On Page 6 of related application, delete line 1:

Number twenty four (24) which is shown in FIG.11A, shows an example of a cat climbing said invention (2), and how it will be incorporated into this invention.

AMENDMENTS CONTINUED

Delete the abstract of the invention:

A collection of three (3) pet products that each serve as functional utility for animals; a **first (1st)** product of which is specifically meant for cats and could be either a real tree or a simulated tree and used as a resting area and scratching post, having real or simulated leaves, having one or more padded platforms for perching, and having rope wrapped around one or more portions of said tree; a **second (2nd)** product which is meant for a combination of animals and could be used as a one (1), two (2), or three (3) piece litter box or a bed/rest area, having stairs 7.5cm (3 inches) to 25cm (10 inches) in height which enables animal to step up the stairs and get a look at where they want to go before stepping into box, and stairs and box could be as one (1) piece or stairs could be a separate piece than box; and a **third (3rd)** product which is meant for a combination of animals and could be used by animals to eat and drink from, being made from real rocks or stones or simulated rocks or stones, requiring a device for circulating water, and having one (1) or more bowls which could be used to put pet food in, decorative plants or trees, or any other type decoration into the one (1) or more bowls.

3 Claims, 11 Drawing Sheets

Replace the deleted abstract of the invention with the following revised abstract of the invention:

(Currently Amended) A collection of three (3) pet products that each serve as functional utility for animals; a **first (1st)** product of which is specifically meant for cats and could be either a real tree or a simulated tree and used as a resting area and scratching post, having real or simulated leaves, having one or more padded platforms for perching, and having rope wrapped around one or more portions of the tree; a **second (2nd)** product which is meant for a combination of animals and could be structured as a one (1), two (2), or three (3) piece litter box and/or a bed/rest area, having stairs 7.5cm (3 inches) to 25cm (10 inches) in height which enables animals to step up the stairs that lead into the box which provides the animals with an elevated view at where the animals want to go before stepping into the box, the stairs and box could be structured as one (1) piece or the stairs could be structured as a separate piece from the box that could attach to the box; and a **third (3rd)** product which is meant for a combination of animals and could be used by animals to eat and drink from, being made from real rocks or stones or simulated rocks or stones, requiring a device for circulating water, and having one (1) or more bowls which could be used to put pet food in, decorative plants or trees, or any other type decoration into the one (1) or more bowls.

5 Claims, 10 Drawing Sheets

AMENDMENTS CONTINUED

On page 2 of related application, delete the first and second paragraphs of the disclosure beginning on line 14:

The first (1st) of our three (3) main functional utilities generally used by domestic cats is the invention of "A CAT/FELINE TREE AND SCRATCHING POST" which can be either a real tree or a simulated tree with an actual real or simulated trunk, real or simulated branches and real or simulated leaves that cats enjoy rubbing their whiskers against, having one or more platforms for perching and resting on with padding which can be carpet or some other comfortable padding that can be easily replaced when worn out , and having rope wrapped around one or more portions of said tree for cats to scratch their claws on that can easily be replaced when worn out; unlike U.S. Pat. No. 5,054,429, which is just a wood frame wrapped in carpet that will ware out and it is not a real tree and it does not resemble a real tree and it does not have rope which cats like to scratch on much more than carpet.

The second (2nd) of our three (3) main functional utilities generally used by domestic cats, that could also be used by animals other than cats, is the invention of "A ONE (1), TWO (2), OR THREE (3) PIECE LITTER BOX OR BED/RESTING AREA", having stairs 7.5cm (3 inches) to 25cm (10 inches) in height which enables animal to step up the stairs and to get a look at where they want to go before stepping into box and are usually close to seven (7) inches high which is a more common height for litter box's in regards to the size of the average domestic cat, and stairs and box could be as one (1) piece or stairs could be a separate piece than the bottom box portion, and being made from real rock/stone panels or slabs or simulated rock panels or slabs that would have a jagged texture like that of real rock/stone panels or slabs and is otherwise a basic litter box that could be used as a bed/rest area that has no mechanical aspect to it and can use low cost scoopable litter if used as a litter box; unlike U.S. Pat. No. 5,394,835, which has tall and steep non-functional stairs that most cats would hop over to get in the litter box if they would even use it; because most cats get scared from sudden and drastic movements and/or noise made by mechanical devices and therefore most cats would probably not want to use this invention, and furthermore, this invention wastes litter by dumping it all at once, whereas, most people use litter that will last as long as possible by scooping out the litter that is soiled while leaving the litter that is not soiled in the litter box.

AMENDMENTS CONTINUED

On page 2 of related application, replace the deleted first and second paragraphs of the disclosure beginning on line 14 with the following paragraphs:

(Currently Amended) The first (1st) of my three (3) main functional utilities generally used by domestic cats is the invention of "A CAT/FELINE TREE AND SCRATCHING POST" which can be either a real tree or a simulated tree with an actual real or simulated trunk, real or simulated branches and real or simulated leaves that cats enjoy rubbing their whiskers against, having one or more platforms for perching and resting on with padding which can be carpet or some other comfortable padding that can be easily replaced when worn out, and having rope wrapped around one or more portions of the tree for cats to scratch their claws on that can easily be replaced when worn out; unlike U.S. Pat. No.

5,054,429, which is just a wood frame wrapped in carpet that will wear out and it is not a real tree and it does not resemble a real tree and it does not have rope which cats like to scratch on much more than carpet.

The second (2nd) of my three (3) main functional utilities generally used by domestic cats, that could also be used by animals other than cats, is the invention of "A ONE (1), TWO (2), OR THREE (3) PIECE LITTER BOX OR BED/RESTING AREA", having stairs 7.5cm (3 inches) to 25cm (10 inches) in height which enables animals to step up the stairs that lead into the box which provides the animals with an elevated view at where the animals want to go before stepping into the box, and the stairs are usually close to seven (8) inches high which is a more common height for litter boxes in regards to the size of the average domestic cat, and the stairs and box could be structured as one (1) piece or the stairs could be structured as a separate piece from the box that could attach to the box; and the one or more pieces of the box being made from real rock/stone panels and/or slabs or simulated rock panels and/or slabs that would have a jagged texture like that of real rock/stone panels or slabs and is otherwise a basic litter box that could be used as a bed/rest area that has no mechanical aspect to it and can use low cost litter if used as a litter box; unlike U.S. Pat. No.

5,394,835, which has tall and steep non-functional stairs that most cats would hop over to get in the litter box if they would even use it; because most cats get scared from sudden and drastic movements and/or noise made by mechanical devices and therefore most cats would probably not want to use this invention, and furthermore, this invention wastes litter by dumping it all at once, whereas, most people use litter that will last as long as possible by scooping out the litter that is soiled while leaving the litter that is not soiled in the litter box.

On page 4 of related application, insert the following description for Figure 10C after the description for 10B:

(New) FIG.10C is a front perspective view of the invention of a "WATERFALL WITH BOWLS USED FOR PET FOOD OR DECORATIONS", having a water basin that animals can drink from and one (1) or more bowls which animals can eat food from, which shows the bottom piece of a unit that has more than one (1) bowl next to water basin.

✓ AMENDMENTS CONTINUED

On page 4 of related application, delete the following descriptions for Figure 11A and Figure 11B after the description for 10C:

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FIG.11A is a front perspective view of the invention of a "WATERFALL WITH BOWLS USED FOR PET FOOD OR DECORATIONS", having a water basin that animals can drink from and one (1) or more bowls which animals can eat food from, which shows cats interacting with unit and various components of the unit being used by cats.

FIG.11B is a front perspective view of the invention of a "WATERFALL WITH BOWLS USED FOR PET FOOD OR DECORATIONS", having a water basin that animals can drink from and one (1) or more bowls which animals can eat food from, which shows cats interacting with unit and various components of the unit being used by cats.

On page 1 of related application, delete the first, second, and third paragraphs of the disclosure beginning on line 19:

Scratching post devices are extremely beneficial to cats when they need to scratch their claws or climb on something other than their masters furniture, while litter box's or beds are both very special and important place that an animal spends time in, and often a place that is pondered at, looked at, and sniffed at by any animal that goes there but usually they don't have a way to provide animals that good look, and weather it is a bowl, a saucer, or some other device, food and water products are the most important of them all and are usually easy to kick over and water becomes more prone to bacteria the longer the said water remains stagnant.

U.S. Pat. No. 5,054,429, discloses a cat scratching post and method for making a cat scratching post for cats which has an undulating configuration formed by portions of carpeting disposed in a spaced relationship from an underlying base member. This said invention is said to resemble a tree, yet it has no real or simulated branches with twigs and leaves, only carpet surrounding a wood frame attempting to take on the shape of a tree which it does not, but instead it simply looks like what it is, a post wrapped in carpet; furthermore, the carpet will ware out within 5 years from hair, rips and tears, and being compressed causing the owner to have to dispose of the unit or ship the fairly large unit back to the factory that made it to be refinished.

U.S. Pat. No. 5,188,063, discloses a combination simulated planter and cat litter enclosure comprising a simulated planter having a false bottom portion with an opening leading therein for receiving cat litter in the bottom portion, and is to have a planter looking bottom like that of a pot for a plant or tree, yet most cats do not like to stay around the litter box after they use it; and therefore it is highly unlikely that any cats would use the simulated planter/litter box and scratching post or anything else other than a litter box.

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AMENDMENTS CONTINUED

On page 1 of related application, replace the deleted first and second paragraphs of the disclosure beginning on line 19 with the following paragraphs:

(Currently Amended) Scratching post devices are extremely beneficial to cats when they need to scratch their claws or climb on something other than their master's furniture, while litter boxes or beds are both a very special and important place that an animal spends time in, which is often a place that is pondered at, looked at, and sniffed at by any animal that goes there, and most litter boxes do not provide the animals with an elevated view at where the animals want to go before stepping into the box, and whether it is a bowl, a saucer, or some other device, food and water products are the most important of them all and are usually easy to kick over and water becomes more prone to bacteria the longer the water remains stagnant.

U.S. Pat. No. 5,054,429, discloses a cat scratching post and method for making a cat scratching post for cats which has an undulating configuration formed by portions of carpeting disposed in a spaced relationship from an underlying base member. This invention is said to resemble a tree, yet it has no real or simulated branches with twigs and leaves, only carpet surrounding a wood frame attempting to take on the shape of a tree which it does not, but instead it simply looks like what it is, which is a post wrapped in carpet; furthermore, the carpet will ~~wear out~~ within 2² years from hair, rips and tears, and being compressed causing the owner to have to dispose of the unit or ship the fairly large unit back to the factory that made it to be refinished.

U.S. Pat. No. 5,188,063, discloses a combination simulated planter and cat litter enclosure comprising a simulated planter having a false bottom portion with an opening leading therein for receiving cat litter in the bottom portion, and is to have a planter looking bottom like that of a pot for a plant or tree, yet most cats do not like to stay around the litter box after they use it; and therefore it is highly unlikely that any cats would use the simulated planter/litter box and scratching post for anything else other than a litter box.

On page 2 of related application, delete the second paragraph of the disclosure beginning on line 6:

U.S. Pat. No. 5,329,876, discloses an animal watering apparatus including a dish including a dish covered with a lid that includes an opening with a wheel that is rotatably mounted to the lid in an upright orientation and extends above the lid through the opening and into the dish to a position near the bottom surface of the dish with the outer circumferential surface of the wheel covered with projections or ridges which efficiently bring water out of the dish as the wheel rotates as a result of being licked by the animal; and although an interesting concept it is meant only for drinking water and resembles a box with a wheel sticking out of it.

On page 2 of related application, replace the deleted paragraph of the disclosure beginning on line 6 with the following paragraph:

(Currently Amended) U.S. Pat. No. 5,329,876, discloses an animal watering apparatus including a dish covered with a lid that includes an opening with a wheel that is rotationally mounted to the lid in an upright orientation and extends above the lid through the opening and into the dish to a position near the bottom surface of the dish with the outer circumference and surface of the wheel covered with projections or ridges which efficiently bring water out of the dish as the wheel rotates as a result of being licked by the animal; and although an interesting concept it is meant only for drinking water and resembles a box with a wheel sticking out of it.

AMENDMENTS CONTINUED

On page 1 of related application, delete the second line of the specification:

PETSCAPE

On page 1 of related application, replace the deleted second line with the following:

(Currently Amended) and (New) CAT TREE, LITTER BOX, AND WATERFALL DEVICES

Mark-Up claims for Claim1 and Claim 4:

1. (Currently amended) "CAT/FELINE TREE AND SCRATCHING POST" product of which can be used by cats and other animals and comprised of:
a tree;
used as a resting area and scratching post;
having leaves, which cats love to rub their whiskers against;
~~having one or more platforms for cats to perch on;~~
~~having one or more platforms which are flat, horizontal and elevated above the ground in said tree and said platforms being of a size large enough for full grown domestic cats to use for perching or laying down upon;~~
~~having one or more portions of said tree for cats to scratch their claws on.~~
having a rough and hard texture covering the surface of one or more portions of said tree for cats to scratch their claws on.

4. (Currently amended) "~~CAT/FELINE TREE AND SCRATCHING POST~~" product of which can be used by cats and other animals as claimed in Claim 1 and further comprised of:
"CAT/FELINE TREE AND SCRATCHING POST" product of which can be used by cats and other animals as claimed in Claim 1 wherein said tree is a real:
used as a resting area and scratching post;
~~having real leaves, which cats love to rub their whiskers against;~~
~~having simulated leaves, which cats love to rub their whiskers against;~~
~~having real leaves which are apart of said real tree trunk and/or branches, which cats love to rub their whiskers against;~~
~~having one or more platforms for cats to perch on;~~
~~having one or more padded platforms which are flat, horizontal and elevated above the ground in said tree and said padded platforms being of a size large enough for full grown domestic cats to use for perching or laying down upon;~~
~~having tree bark around one or more portions of said tree for cats to scratch their claws on.~~
~~having tree bark which has a rough and hard texture and covers the surface of one or more portions of said tree for cats to scratch their claws on.~~

AMENDMENTS CONTINUED

Mark-Up claim for Claim 5:

5. (Currently amended) "~~CAT/FELINE TREE AND SCRATCHING POST~~" product of which can be used by cats and other animals and as claimed in Claim 1 and 4 and further comprised of:

~~"CAT/FELINE TREE AND SCRATCHING POST" product of which can be used by cats and other animals as claimed in Claim 1 or 4 wherein said tree is a real tree with simulated leaves:~~

~~a real tree;~~

~~a simulated tree;~~

used as a resting area and scratching post;

~~having real leaves, which cats love to rub their whiskers against;~~

~~having simulated leaves, which cats love to rub their whiskers against;~~

~~having simulated leaves that are attached to said real tree trunk and/or branches, which cats love to rub their whiskers against;~~

~~having one or more padded platforms for cats to perch on;~~

~~having rope wrapped around one or more portions of said tree for cats to scratch their claws on.~~

~~having rope which has a rough texture and covers the surface of one or more portions of said tree for cats to scratch their claws on.~~

On page 7 of related application, insert the following new claim, Claim 6, after Claim 5:

6. (New) "CAT/FELINE TREE AND SCRATCHING POST" product of which can be used by cats and other animals as claimed in Claim 1 or Claim 4, wherein said tree is a simulated tree:

used as a resting area and scratching post;

having simulated leaves attached to said simulated tree trunk and/or branches, which cats love to rub their whiskers against;

having simulated tree bark which has a rough and hard texture and covers the surface of one or more portions of said tree for cats to scratch their claws on.

On page 7 of related application, insert the following new claim, Claim 7, after Claim 6:

7. (New) "CAT/FELINE TREE AND SCRATCHING POST" product of which can be used by cats and other animals as claimed in Claim 1 or Claim 4 or Claim 6, wherein said tree has rope which has a rough texture and covers the surface of one or more portions of said tree for cats to scratch their claws on.

REMARKS

In regard to the objection on page 2 of this Office Action, within the section Drawings, I disagree that all of my drawings are too dark or difficult to see. Furthermore, the drawings are all black ink line art on white paper and have black ink stippled shading which is to the best of my ability as an experienced professional graphic designer. Everyone I've shown these drawings to can clearly see the art for what it is and felt in no way that the drawings were too dark. I have a feeling that an outside source or someone in a rush should take a look at other US Registered Patents such as DE 20115866U1 which is a big black blob and not at all apparently showing that it is a tree trunk attached to a rock used for a support base. I ask that the examiner would please take a closer look at the said drawings clarity and further compare them to the reference cited above, DE 20115866U1, and reconsider this objection. However, I am submitting all of the drawings for this patent with modifications to lighten them up, and hopefully overcome the objection.

In regard to the objection on page 2 of this Office Action, within the section Drawings, as failing to comply with CFR 1.84(p)(5), I've corrected the problem mentioned in the description: "4" on page 5, line 7 within the Amendments section to this Response To Office Action. I spoke with the Director of Group R Unit 3643, Donald Hayjack, as well as supervisor, Peter Poon, who have both informed me that they would have the Page 19 for the Drawings containing Figure 11A and Figure 11B expunged, due to redundant content which they both feel is irrelevant to said application since they show the exact same perspective of the same drawings found in Figure 10A and Figure 10B only without cats interacting with product which they further felt was not necessary to demonstrate the function of said invention. Furthermore, this drawing was respectfully submitted with my Non-Provisional application 09/945,501 filed 08/31/2001 in Cross Reference and with Priority to related Provisional application 60/230,046 filed 09/01/2000 which also had the same drawings containing Figure 11A and Figure 11B. I have tracking receipts clearly showing all attempts to mail the application properly within the allotted deadlines set forth. However, this was also during the Anthrax mailings and 9/11 which caused all mail going into US Patent and Trademark Office to be rerouted to other departments after it all passed through radiation. Furthermore, I was prompted to send mailings to the Initial Patent Examiner, Deshawn Durham, to multiple addresses because she was never receiving the said applications Missing Parts or anything around this time; even though I have receipts proving I sent everything before my allotted deadlines provided within the rules and regulations set forth by the US Patent and Trademark Office for filing a Utility Patent. And I was not aware that mistakes made by the US Patent Office were my responsibility to pay \$130 and file a petition fee even though I had documented proof that I sent everything within the required time. As a result of this minor technicality, my original Provisional Utility Patent filing date of 09/01/2000 was taken away from my cross referenced Non-Provisional Patent, and thus allowed another patent (DE 20115866U1) to be granted a filing date of 09/26/2001, which is messed up because I was still trying to send in my corrections which never got through due to 9/11. And even if they couldn't find my supposedly omitted drawings, I should still be granted the date of 8/31/2001 and instead I was given 12/04/2001, all because of 9/11, the Anthrax Mailings and subcontracted Initial Examiners who Deshawn Durham disclosed to me were handling said application. I am also a small entity and thus I've never have had any experience in filing US Patents or any other legal documents either. I plead with the supervisor signing off on the Examiners office action, to consider my argument to this objection in light of all circumstances set forth and expunge Drawings containing Figure 11A and Figure 11B and allow me my original filing date for said Provisional Utility application 60/230,046 filed 09/01/2000 with the US Patent and Trademark Office.

JW

- **REMARKS CONTINUED**

In regard to the objection on page 3 of this Office Action, within the section Drawings, for failing to comply with 37 CFR 1.84(p)(5) because they include references “4a” and “4b” not mentioned in the description, were correctly added to the description and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 3 of this Office Action, within the section Specification, for the term “said” appearing in line 5 of Abstract, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 3 of this Office Action, within the section Specification, for incorrect word use “which enables animal” in line 7 of Abstract, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 3 of this Office Action, within the section Specification, for incorrect word use which is confusing and unclear “stepping into box, and stairs and box” in line 8 of Abstract, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 3 of this Office Action, within the section Specification, for incorrect word use which is confusing and unclear “separate piece than box” in lines 8-9 of Abstract, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 3 of this Office Action, within the section Specification, for incorrect word of the term “our” in the disclosure on page 2, line 14 , was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 4 of this Office Action, within the section Specification, for misspelling the word “weather” in the disclosure on page 1, line 19, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 4 of this Office Action, within the section Specification, for omitting the Brief Description for Figure 10C on page 4 in the disclosure, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 4 of this Office Action, within the section Specification, for having numerous spelling errors on page 1 of related application, was carefully reviewed and corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 4 of this Office Action, within the section Specification, for not capitalizing the trademark PETSCAPE on page 1 in the title of related application, was corrected and can be found in the Amendments section with in this Response To Office Action.

In regard to the objection on page 4 of this Office Action, within the section Specification, for not using the trademark PETSCAPE on page 1 in the title of related application, was deleted and replaced with new title and can be found in the Amendments section with in this Response To Office Action.

B

REMARKS CONTINUED

In regard to the objections on page 5 of this Office Action, within the section Claim Objections, all required corrections were made and can be found in the Amendments/Mark-Up section with in this Response To Office Action.

In regard to the rejections on page 5 of this Office Action, within the section Claim Rejections-35 USC 112, for Claims 4 and 5, of related application, failing to point out and distinctly claim the subject matter regarded as the invention, was corrected and can be found in the Amendments section with in this Response To Office Action. Furthermore, my main essence of the invention for the cat tree in related application is the horizontal platforms above the ground up in the tree with the platforms being of a size large enough for a full grown domestic cat to perch or lay down upon. And the difference in the Claim 4 and Claim 5 from Claim 1 is various technical variations of how the tree can be structured. Such differences are apparent in the amended claims and relate to a few variables such as padding on platforms or the rough texture of the tree or the aspect of the tree being real or simulated which are just a few examples of what I have tried to point out as the subject matter which I regard as the invention.

In regard to the rejections on page 5 of this Office Action, within the section Claim Rejections-35 USC 112, for Claim 4, of related application, being unclear from the claim language whether Applicant is claiming a real tree with real leaves or a simulated tree with simulated leaves, was corrected and can be found in the Amendments section with in this Response To Office Action. Furthermore, the issues regarding the clarity of the claim language as to whether Applicant is claiming a real tree or simulated tree are more clearly defined in the Amendments/Claim Mark-Up section of this office action. The reason why both a real tree and/or a simulated tree relate to the tree set forth in claim 1 is because they narrow the description and variations of how a tree with platforms can be structured. It is very common in today's marketplace to find large enough real trees that could support platforms up in it and above the ground. And sometimes real trees don't have a rough bark or rough texture for cats to scratch their claws on, and instead some trees just have smooth bark and not any rough texture which enables cats to scratch their claws on. In addition to the texture, many trees sold in the market place are real yet don't have leaves and could be a dead tree with branches and no leaves, or the tree could be real and have no real leaves but instead have simulated leaves attached to the real tree. Furthermore, the redundancy of "one or more platforms" was corrected in the Amendments/Claim Mark-Up section of this office action. And as for page 6 of related office action, "tree bark" only being found on a real tree was corrected in the Amendments/Claim Mark-Up section of this office action, and more clearly defined as having tree bark which has a rough texture and covers the surface of one or more portions of the tree for cats to scratch their claws on. And please take note that not all real trees in the world have a tree bark that is rough enough in texture to enable cats to scratch their claws on. And finally, it is common in the theme park industry here in my hometown of Orlando, Florida to see designers use simulated tree bark or using real tree bark that was peeled off of a dead real tree and put onto a simulated tree.

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REMARKS CONTINUED

In regard to the rejections on page 6 of this Office Action, within the section Claim Rejections-35 USC 102, for Claim 4, of related application,

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The Claims 1 and 4 rejected for being clearly anticipated by a natural living tree were corrected and can be reviewed in the Amendments/Claim Mark-Up section of this response to office action.

However, I completely disagree with the Examiners view that all living trees meets any limitation of the claims, such as “a natural and living real tree having bark which would act as a scratching post”, is simply not true and impossible. Not all natural and living real trees have a bark that is rough or hard enough for cats to adequately scratch and file their claws on. For instance some tree bark on certain trees is smooth and/or soft which wouldn’t do much for filing down a cats claws.

Furthermore, I never stated in my prior claims that are rejected to in this office action, that the tree I’m claiming is living or alive, please take another look. I stated a real tree, which could very well be chopped down and dead and even if the tree were real or not, the branches would not be considered platforms similar to my platforms claimed in the Amendments/ Claim Mark-Up section of this Response To Office Action unless they were having one or more branches in the real tree which are flat, horizontal and elevated above the ground in the real tree and the area of the branches that are stated by the Examiner to be considered platforms would further have to be of a size large enough for full grown domestic cats to use for perching or laying down upon such as the platforms that are claimed in my amended claims within this office action. And it is next to impossible that there are any trees with branches that are flat, horizontal, and elevated above the ground and large enough for a full grown domestic cat to perch or lie upon, especially in one or more sections like that claimed in my amended claims. And why then am I being rejected when the reference, DE 20115866 U1, cited by Examiner and sent to me is practically steeling my publicly disclosed invention that was in the form of a legal corporation, Petscape, Inc. which was actively pursuing production contracts for these exact trees since 1999 and also pursuing patents since 2000, with all the proof in the world you may need right here in my office. And yet this DE 20115866 U1, cited reference also has dark drawings, is copying my invention and calling platforms shelves, and filed after my patents were submitted as well, which is said to be against the US Patent laws stated according to the examiner in this office action. Even if I had a technicality regarding the omitted drawings for Figures 11A and 11B, I’ve still met the rule quoted above by Examiner as the person holding the rights to this claim. And I strongly disagree with the dark drawing of this particular reference cited that is trying to steel my invention through the form of a technicality and yet they get approved and published in 3 months? And last but not least, the platforms for claim 4 are now clearly amended as padded, so does this mean that Examiner is going to say leaves are considered padding now? I am trying so hard to play this game but I feel extremely offended at the treatment I’ve received from the Examiner for this application and that these rejections are not logical or factual or justified in any way, shape, or form, and are more or less a form of harassment for my not taking Examiners misinformation which was clearly wrong according to Patent Assistant Center, and, Peter Poon, the supervisor of this Examiner who let it be known to me that modifications could be made if done the proper way, whereas Examiner blatantly told me any modifications would be considered new subject matter. Examiner was very rude, and short with me while hanging up the phone on me in mid sentence, and I had not cursed or yelled or handled my way unprofessionally at all. Then in future, I received some of the worst treatment or service I have ever had in my life when Examiner seemed to begrudge my going over her and to their supervisors and thus refused to take my calls or return any of them. Since then I’ve attempted to finish these patents with a lot more

REMARKS CONTINUED

anxiety knowing I am under the approval of someone who I feel has made tremendous mistakes that are dramatically affecting the outcome of my life. Examiner is not in the tree business or it would be obvious that trees don't have platforms anything like in my drawings or claims. I hope I've managed to clarify the structural aspects of why my invention, especially with the platforms, is not found in nature without being modified by man.

In regard to the rejection on page 6 of this Office Action, within the section Claim Rejections-35 USC 102, for Claim 1, of related application, where Examiner states that my "claim 1 is clearly anticipated by Wade", is in my view not at all a valid, logical, or justified statement, but rather the Examiners personal inaccurate opinion. Examiner further made a statement in her own words which are not claims from printed patent cited as reference nor are the Examiners stated words a law printed in writing within related office action. The statement made by the Examiner was, "Re-Claim 1, Wade discloses a cat scratching post comprised of a tree capable of being used as a resting area and a scratching post having leaves and a platform at the base which would allow cats to perch on (Figure 1)". First of all, Wades invention is a design patent with a simple claim that states "The ornamental design for a cat scratching post, as shown and described" with no other claims printed within this cited patent. And according to the pictures disclosed by Wade, the cited patent is an invention of a perfect cylinder supported by a base and standing vertical like a post with artificial palm leaves attached to the top of the disclosed post, and yet Wades invention never claims it has a platform which by the Webster's Dictionary definition states a platform is "A horizontal surface higher than an adjacent area." And furthermore, the same dictionary defines a base as "The lowest or bottom part." And if the Examiner would have taken a closer look at Wades design patent and reviewed Figures 2 and 3, it would have been very obvious that the base which supports the post is not horizontal or flat or above any adjacent area because according to the picture, it angles right into the ground it is meant to rest upon. Thus, I feel that it is the Examiners eagerness to be thorough without conclusive evidence or further investigation of any facts, whereas the Examiner instead writes a complete personal view as if it were law or claimed by Wade when in fact it was never claimed at all. Wades pictures disclosed also shows the cat off to the side of the scratching post base, and nowhere on the base at all which Examiner assumed was a platform that the cat may want to rest upon, which appears to me to be vindictive of examiner for me once again going to her supervisors when misinformed by her once. In fact the only claims regarding Wade that I see are the Examiners personal views to road block my patent application. For instance, Wade never anywhere in the design patent mentioned the word "tree" which the Examiner states in her own words as "a scratching post comprised of a tree capable of being used as a resting area and a scratching post having leaves and a platform at the base which would allow cats to perch on (Figure 1)." Within this quote, the examiner is redundant as well when using term scratching post twice when completely not necessary. It is unclear as whether Examiner created her own definition for the term "platform at the base", when a platform according to the dictionary definition compared with Wades Figures 2 and 3 are completely different and not at all the same visually or in their appropriate definitions. My remarks are based on facts and a lot more respectful than this Examiner ever was with me, which is why I had to go to the supervisor, Peter Poon, and the Director, Donald Hayjack to begin with. Furthermore, although it isn't claimed as being carpet that is covering the base or post of Wades invention, it looks like carpet. My inventions are structured with real or simulated tree bark which is rough and hard and will not wear out like carpet which is clearly noted in my disclosure before it was amended. Therefore, in light of the blatant dictionary definitions and drawings that clearly contradict the Examiners expressed personal point of view, I ask to please have a supervisor signing off on this application that will be fair, logical and informed of all the Figures in Wades invention and not just Figure 1 like the Examiner, as well as the non existence of any claims made by Wade, that the Examiner tried to pass off as claims in the related office action.

